

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 11, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 05HD-176

Hawaii

**Amend Prior Board Action of May 27, 1994 (Agenda Item F-3) Request for Direct Issuance of Perpetual, Non-Exclusive Easement to Water Commission of the County of Hawaii (WCCOH) for Water Meter Box Purposes at Keonepoko-Iki, Puna, Hawaii, Tax Map Key:3<sup>rd</sup>/1-5-09:Por. 59**

BACKGROUND:

At its meeting of May 27, 1994, under agenda item F-3, the Land Board approved the direct issuance of a perpetual, non-exclusive easement to the WCCOH for water meter box purposes at Keonepoko-Iki, Puna, Hawaii, Tax Map Key:3<sup>rd</sup>/1-5-09:Por. 59. (Exhibit A).

At the time of board approval, the applicant listed was Department of Accounting and General Services on behalf of WCCOH since this water meter box will service the New Pahoa Elementary School currently encumbered under Governor's Executive Order No. 3510 to Department of Education (DOE). However, in December 2000 the WCCOH was renamed Water Board of the County of Hawaii (WBCOH) as stipulated under Charter Amendment No. 9, Section 8-2. Therefore, the easement will now be granted to WBCOH for DOE.

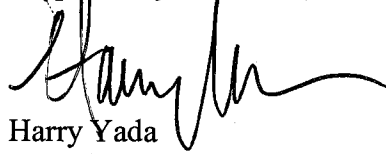
Further, whenever an easement is not for the sole benefit of the COH, in this case it benefits a State agency, the language in the legal easement document prepared by the Attorney General's office should reflect that. Staff feels that it is only appropriate that DOE should be the responsible agency for any relocation expenses or additional costs associated with the subject easement.

RECOMMENDATION: That the Board:

1. Amend its prior board action of May 27, 1994, agenda item F-2 by changing all reference to the applicant under such action and authorize the sale of the subject easement to WBCOH for DOE;

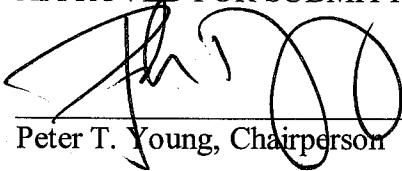
2. Deleting Recommendation A in its entirety and replacing with "The standard terms and conditions of the most current perpetual easement document form, as may be modified for a government agency and/or particular property;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



Harry Yada  
District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Land Management  
Honolulu, Hawaii 96813

May 27, 1994

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii 96813

Hawaii

Subject: Direct Issuance to the Water Commission of the  
County of Hawaii for a Perpetual, Non-Exclusive  
Easement for Water Meter Box Purposes at Keonepoko-  
Iki, Puna, Hawaii, TMK: 3rd/1-5-09: Por. 59

STATUTE:

Chapter 171-95, Hawaii Revised Statutes, as amended.

APPLICANT:

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES on behalf of the  
WATER COMMISSION OF THE COUNTY OF HAWAII

FOR:

Perpetual, non-exclusive easement for water meter box purposes  
for the New Pahoa Elementary School, Keonepoko-Iki, Puna,  
Hawaii, TMK: 3rd/1-5-09: Por. 59, as shown outlined in red on  
map labeled as Land Board Exhibit "A", appended to the basic  
file.

STATUS:

Encumbered under Governor's Executive Order No. 3510, dated  
April 15, 1991, to the Department of Education for the New  
Pahoa Elementary School site.

AREA:

403 square feet, more or less, subject to confirmation by the  
State Land Surveyor.

CHARACTER OF USE:

Water meter box purposes.

LAND TITLE STATUS:

Subsection 5(b) Land of the Hawaii Admission Act.

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

*May 27, 1994*

**EXHIBIT A**

ITEM F-2

ZONING:

State Land Use Commission - Agriculture District  
County of Hawaii CZO - Ag-5a, Agricultural Use with minimum  
lot size of five (5) acres.

CONSIDERATION:

\$1.00

REMARKS:

At its meeting of November 17, 1989, the Board of Land and Natural Resources under Agenda Item F-3, approved of, and recommended to the Governor, issuance of an executive order setting aside 11.194 acres in Keonepoko-Iki, Puna, Hawaii under the control and management of the Department of Education (DOE) for the new Pahoa Elementary School.

On April 15, 1991, Governor John Waihee signed Executive Order No. 3510 giving the 11.194 acres to the DOE.

Construction of Keonepoko Elementary School was completed during the summer of 1991. As a part of the agreements between the DOE and the County of Hawaii's Department of Water Supply, a water meter box is to be placed on the subject property and an easement issued to the Water Commission of the County of Hawaii.

RECOMMENDATION:

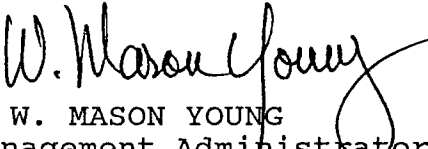

The Board of Land and Resources grant the Water Commission of the County of Hawaii a perpetual, non-exclusive easement for water meter box purposes, subject to the following terms and conditions:

- A. The County of Hawaii's Department of Water Supply and Water Commission shall hold the State of Hawaii harmless for any loss, liability, claims, or demand for property damage, property loss or personal injury caused by or resulting from any act or omission in connection with the construction and maintenance of the water meter box easement;
- B. Applicable requirements of Federal, State and County of Hawaii governments shall be complied with and satisfied;


May 27, 1994

- C. In the event burial sites, archaeological or historical artifacts or sites are uncovered during the course of construction, work shall cease immediately, and the Historic Site office of the Division of State Parks contacted in Honolulu;
- D. Governor concurrence allowing for the water meter box easement to be placed on the subject property which is under Executive Order 3510;
- E. One-year abandonment clause in the event of non-use;
- F. Consideration of \$1.00; and,
- G. Other conditions as may be prescribed by the Chairperson.

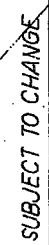
Respectfully submitted,

  
W. MASON YOUNG  
Land Management Administrator 

APPROVED FOR SUBMITTAL:

  
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KEITH W. AHUE, Chairperson

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# EXHIBIT A